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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

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REC'D 28 FEB 2005

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**
(PCT Rule 43bis.1)

Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference see form PCT/ISA/220	FOR FURTHER ACTION See paragraph 2 below
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International application No. PCT/EP2005/050002	International filing date (day/month/year) 03.01.2005	Priority date (day/month/year) 09.01.2004
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International Patent Classification (IPC) or both national classification and IPC H04J3/06, H04L12/28
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Applicant THOMSON MULTIMEDIA BROADBAND BELGIUM

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for International preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:	Authorized Officer
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2005/050002

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. **type of material:**
 a sequence listing
 table(s) related to the sequence listing
 - b. **format of material:**
 in written format
 in computer readable form
 - c. **time of filing/furnishing:**
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2005/050002

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes:	Claims	1-11
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-11
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-11
	No:	Claims	

2. Citations and explanations

see separate sheet

Re Item V.

1. Notwithstanding the clarity objection raised under item 2. below, it is considered that, for reasons as set out in the description on page 1, line 20 to page 2, line 27, the subject-matter of independent claims 1, 10 and 11 is new (Article 33(2) PCT) and involves an inventive step (Article 33(3) PCT).

2. From the description of Figures 2 and 3, in particular on page 14, lines 20 to 28, it is clear that the feature according to which an intercepted message is forwarded not only after the time request has been prepared, but also after synchronizing data based on the specific time clock has been obtained and the local clock has been synchronized with respect to the specific time clock is essential for the claimed subject-matter to properly define the invention and to provide a solution to the general problem of remedying the risk of unavailable or corrupted synchronisation information provided by a time server, such as an NTP server.

Since independent claims 1 and 10 does not contain this feature, their subject-matter does not meet the requirement derived from Article 6 PCT that any independent claim must contain all the technical features essential to the definition of the invention.

In order to overcome the objection, claim 1 could be slightly amended by, for example, adding at the end of page 1 "and the receiving means (11) have obtained said synchronizing data (SYNC) based on said specific clock (CL1-CLn) and the local time clock (CL0) has been synchronized with respect to said specific time clock (CL1-CLn)".

Claim 10 could correspondingly be amended by inserting at the end of line 29 "and said synchronizing data (SYNC) based on said specific time clock (CL1-CLn) has been obtained and the local time clock (CL0) has been synchronized with respect to said specific time clock (CL0-CLn)".

- 3.1 In claim 1, line 11, the second reference numeral "10" should obviously be replaced with the reference sign "CL1-CLn" (Rule 6.2(b) PCT).

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/EP2005/050002

This also applies to the reference numeral "10" in claim 10, line 14.

Still in claim 10, on line 24, for the sake of completeness, the reference sign "(A1-An)" should be inserted after the term "apparatus".

Finally, in claim 10, on line 30, the reference sign "S2" should apparently be replaced with "S5".

- 3.2 In claims 8 and 10, for the sake of clarity (Article 6 PCT), it is proposed to amend the rather unusual and therefore not so clear term "compliant with" with "according to".
- 3.3 To meet the requirements of Rule 5.1(a)(ii) PCT, document US2002/0129291 cited in the International Search Report should be identified in the description and the relevant background art disclosed therein should be briefly discussed.